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SENATE JOINT MEMORIAL 71

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

PHIL A GRIEGO

A JOINT MEMORIAL

REQUESTING STUDIES OF THE GOVERNMENTAL TAKINGS ISSUE.

WHEREAS, rights inherent and in association with the ownership of private property are constitutionally protected by the fifth and fourteenth amendments to the United States constitution as well as by Article 2, Section 20 of the constitution of New Mexico, which reads: "[p]rivate property shall not be taken or damaged for public use without just compensation"; and

WHEREAS, the taking of private property has become a major issue in public policy; and

WHEREAS, government action in enacting and implementing regulations, intended to be in the public interest and in the public welfare, often may infringe on the rights of private property ownership by reducing the value, limiting the use of or

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1 otherwise adversely impacting privately owned property of New  
2 Mexico residents; and

3 WHEREAS, protection of private property ownership is in the  
4 public interest and, being a responsibility of the government at  
5 all levels, should be considered in any enactment of  
6 regulations; and

7 WHEREAS, a sensitivity to regulations that result in an  
8 inadvertent negative impact upon private property where possible  
9 is a goal to be achieved by all agencies at all levels of  
10 government; and

11 WHEREAS, the costs of both time and financial investment  
12 for the average New Mexico citizen may effectively bar access to  
13 legal remedy for regulatory takings; and

14 WHEREAS, litigation against federal, state and municipal  
15 governments continues to increase and is creating fiscal  
16 hardships for those governmental units;

17 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE  
18 STATE OF NEW MEXICO that the governor be encouraged to proclaim  
19 a conference with all state, county and municipal regulatory  
20 agencies as well as environmental groups, property owner  
21 representatives, farm and ranch organizations, to generate a  
22 better understanding of the regulatory takings issue; and

23 BE IT FURTHER RESOLVED that the conference recommend  
24 legislation to reduce damage to private property or to  
25 compensate for any damage caused by wild game; and

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BE IT FURTHER RESOLVED that the New Mexico legislative council create an interim committee to study the governmental takings issue or assign this issue to an interim committee; and

BE IT FURTHER RESOLVED that a copy of this memorial be transmitted to the governor and the New Mexico legislative council.

1 FORTY-THIRD LEGISLATURE  
2 FIRST SESSION, 1997  
3  
4

5 March 20, 1997  
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7 Mr. President:  
8

9 Your CONSERVATION COMMITTEE, to whom has been referred  
10

11 SENATE JOINT MEMORIAL 71  
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13 has had it under consideration and reports same with  
14 recommendation that it DO PASS.  
15

16 Respectfully submitted,  
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18 \_\_\_\_\_  
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21 Michael S. Sanchez, Chairman  
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25 Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_  
(Chief Clerk) (Chief Clerk)

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Date \_\_\_\_\_

The roll call vote was 7 For 0 Against

Yes: 7

No: None

Excused: Davis, Macias, Payne

Absent: None

SJ071C01